

BOOKER THOMAS JONES,)
)
Plaintiff,)
)
vs.) Case No. 4:10CV448 CDP
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

This matter is before me for judicial review under 42 U.S.C. § 405(g).


Plaintiff has not objected to this motion, and the time for making such objection has passed. After careful consideration, I will grant this motion and remand this action for further proceedings.

Sentence four of 42 U.S.C. § 405(g) states that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” However, in order for me to properly remand a case to the Commissioner pursuant to sentence four, I must enter an order either affirming, modifying, or reversing the Commissioner's decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to remand [#12] is GRANTED and the decision of the Commissioner is reversed and remanded for further proceedings consistent with defendant's motion to remand.

A separate judgment in accordance with this Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of November, 2010.